

Appl. No. 10/069,608
Amdt. dated Aug. 14, 2003
Reply to Office action of Apr. 14, 2003

REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 530-6671 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification amendments

Various amendments have been made to the specification to correct minor inadvertent grammatical, punctuation and formal errors.

Status of pending claims

Claims 1-10, 12, 14, 15-25 and 29-35 have all been amended to merely reflect proper US claim practice. Independent claims 11 and 26 have been replaced by new independent claims 36 and 37, respectively. Claims 13, 27 and 28 have been canceled.

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Claims 38-53 are new. Dependent claim groups 40-43, 45-48 and 50-53 each correspond to dependent claims 4-7, respectively.

Rejections

A. Rejections under 35 USC § 102(b)

1. Claims 1-5, 7, 11-17, 18-21 and 22-25

The Examiner has rejected claims 1-5, 7, 11-17, 18-21 and 22-25 under the provisions of 35 USC § 102(b) as being anticipated by the teachings of the Gordon '837 patent (United States patent 4,713,837 issued to A. Gordon on December 15, 1987). This rejection is respectfully traversed.

In particular, the Examiner takes the position that all the limitations in each of these claims is identically disclosed in the Gordon '837 patent. As the Examiner will soon see, that is not the case.

For simplicity, the Applicants will discuss this rejection in the context of claim 1, as it currently stands. Though the Applicants have amended claims 1-10, all those amendments are merely directed to matters of form, i.e. proper US claim practice, but not substance.

The Gordon '837 patent discloses the concept of activating a remote off-line terminal through transmission (here being through an RF broadcast) of an identifying signal. As discussed in col. 2, line 15 et seq and col. 4, line 20 et seq of that patent, each remote subscriber station contains a receiver that listens for a broadcast radio signal (an "instructing signal"). That signal, as indicated in col. 4, line 48 et seq contains an address code of a particular subscriber station. Once the receiver at a given station receives such a signal with its own identifying code, that receiver then activates a processor (16). The processor, in turn, as indicated in col. 5, line 2 et seq, establishes, via an associated modem, a dial-up connection with a central processing facility. Once this connection is established, the processor and the facility exchange information, including messages which the processor has previously received for that station but could not deliver inasmuch as that station was then off-line. Such a message could instruct the processor to, e.g., return a particular meter reading to implement remote meter reading of a specific one of a number of utility meters (gas, electric, water), or provide status of a monitored event (e.g., smoke, fire or flood alarm). As indicated in col. 5, line 35 et seq, the message could also be an instruction to turn a device on or off, e.g., an interruptible hot water heater, at the subscriber station. Further, this message could simply be a message transmitted by a user at the terminal, e.g., a

PC, at one subscriber station destined for a terminal at the recipient station. See, e.g., col. 6, line 30 et seq.

The Applicants' present invention is also directed to the general concept of activating an off-line terminal; though the inventive system differs markedly from that taught by the Gordon '837 patent.

Specifically, through the present invention and as shown in FIG. 1 and discussed on page 4, line 4 et seq of the present specification, an activation module (6) is connected to and used to activate a local terminal (7). Both that module and a server are connected to a second network (5), such as the public switched telephone network (PSTN). The terminal and the server can also be connected, via appropriate modem or other communication modalities, through a first network (1), e.g., the Internet, via which both can establish a session and communicate therebetween. Normally, the terminal is not accessible through the second network, as the terminal remains off-line for most of the time. Whenever the server has a message for the local terminal, the server sends an activation code (a), which itself may contain or consist of a message, over the second network to the activation module. Once the activation code is received, the module activates the terminal which, in response, may establish a session over the first network to the server and receive any separate messages therefrom or alternatively operate on the message itself received as part of the activation code. The message may instruct the

terminal to perform certain actions or instruct various devices 11, such as household equipment, shown in FIG. 3 and discussed on page 5, line 1 et seq, to perform certain functions (turn on, turn off, etc.). Either the terminal may control these devices or alternatively the activation module may do so directly.

Furthermore, the server may establish its connection to the activation module through any of several nodes (9) on the second network.

During the course of establishing a connection via a node on the second network and through that network between the activation module and the server, the second network, being the PSTN, will pass an identifier, e.g., so-called "calling line identifier" (CLI), of that node to the module. Each one of a number of such nodes is associated with a specific, different function that the local terminal or module can control, e.g., turn a specific household device on or off. By selecting a given node through which to connect, i.e. dialing a specific telephone number, the CLI of that number will be passed through the PSTN to the activation module which, in turn, can implement directly, or indirectly through the local terminal, a function associated with a value of the CLI then communicated. Hence, based on the value of the CLI, any one of several different functions can be remotely controlled by the server.

Moreover, the activation module can detect status of the local terminal, e.g., whether that terminal is active or not, and provide that status to the server in the form of an "alert" or notification message. Moreover, users can connect through the second network, e.g., PSTN and through, e.g., a telephone set (12) or an external terminal (13), to send control instructions to the server such that, based on those instructions, the server can subsequently control an external device (such as a household device at a user's home). Alternatively, these messages can also be SMS messages, or other forms of digital messaging.

The PSTN provides very cost-effective mechanisms for sending short digital messages. In fact, if CLI is used, this information can be sent without the called line picking up and thus incurring any toll charges. See, e.g., page 6, line 23 of the present specification.

In any event, the present invention eliminates a need for the terminal to establish an Internet session with the server but advantageously still permits both to very cost-effectively communicate, typically short, messages between themselves.

One distinguishing feature of the present invention is that, unlike the teachings in the Gordon '837 patent, the present invention does not broadcast information, specifically an instructing code (as used in

the Gordon '837 patent on a 1:n basis, where n is the number of such recipients) or an activating code (as the present Applicants use) to all potential recipients. Rather, the communication is unicast, i.e. through a network connection on a 1:1 basis, from the server to a particular activation module. Such directed signaling is far more efficient in a network environment than broadcasting.

*does not
preclude*

In that regard, claim 1 recites "transmitting, by a server ... to a local activation module which is connected to the second network and to the local terminal". Unicast transmission is not shown or contemplated by the teachings of the Gordon '837 patent.

Independent claim 1 contains suitable recitations directed to the distinguishing features of the present invention. In that regard, this claim recites as follows, with those features indicated by a bolded typeface:

"A method for activating a local terminal connectable to a first network comprising the steps of:

transmitting, by a server and via a second network an activation code to a local activation module which is connected to the second network and to the local terminal;
and

activating, by the activation module and after receiving the activation code, the terminal." [emphasis added]

Hence, the Applicants submit that claim 1 is not identically disclosed, and consequently not anticipated, by the teachings of the Gordon '837 patent. Thus, this claim is patentable under 35 USC § 102(b) over this patent.

Claims 2-5 and 7 depend from claim 1 and recite further distinguishing features of the present invention. *dependent*

Therefore, the Applicants submit that none of these dependent claims is anticipated by the teachings of the Gordon '837 patent for the same reason set forth above.

Independent claim 11 has been replaced by new independent claim 36. This new claim recites the distinguishing concept, as shown in a bolded typeface below, of activating the module in response to a value of an identifier contained within the activation code, where the identifier corresponds to a particular node through which the server connects to the second network.

"A system for activating a local terminal connected to a first network, the system comprising:

a local activation module which is connected to a second network and to the local terminal, wherein:

the second network passes on an identifier of a node via which a server is connected to the second network; and

the activation module records the identifier so as to define a recorded identifier and activates the terminal, after receiving an activation code, in accordance

with a value of the recorded identifier."
[emphasis added]

Here too, the Gordon '837 patent contains no such teachings at all.

Hence, the Applicants submit that claim 36 is not identically disclosed, and consequently not anticipated, by the teachings of the Gordon '837 patent. Thus, this claim is patentable under 35 USC § 102(b) over this patent.

Each of claims 12, 14, 15-20 depends from claim 36 and recites further distinguishing features of the present invention.

Therefore, the Applicants submit that none of dependent claims 12, 14, 15-20 is anticipated by the teachings of the Gordon '837 patent for the same reason set forth immediately above.

Lastly, claim 22 also recites, as indicated by the bolded typeface below, the distinguishing concept of a server, which is used to activate a local terminal in a number of ways and which is connected to a first network (e.g., the Internet), by connecting to the second network (e.g., the PSTN) through various network nodes, each of which has a different identifier.

**"A server comprising selection means
for activating a local terminal, in a
plurality of ways, connected to a first**

network by connecting to a second network
various network nodes, each of said nodes
having a different identifier." [emphasis
added]

The Gordon '837 patent contains no such teachings
at all with respect to this inventive concept.

Hence, the Applicants submit that claim 36 is not
identically disclosed, and consequently not anticipated, by
the teachings of the Gordon '837 patent. Thus, this
independent claim is patentable under 35 USC § 102(b) over
this patent.

Claims 23-25 depend from claim 22 and recite
further distinguishing features of the present invention.

Therefore, the Applicants submit that none of
dependent claims 23-25 is anticipated by the teachings of
the Gordon '837 patent for the same reason set forth
immediately above.

2. Claims 9-10, 26-30 and 34-35

The Examiner has rejected claims 9-10, 26-30 and
34-35 under the provisions of 35 USC § 102(b) as being
anticipated by the teachings of the Mobin application (PCT
published patent application WO 99/35805 published on
July 15, 1999). Claim 26 has been replaced by new
independent claim 37, and claims 27 and 28 have been
cancelled. Hence, the rejection with respect to

claims 26-30 and 34-35 is moot. Nevertheless, to expedite prosecution, the Applicants will address this rejection in the context of claims 9-10, 37 and 29-30 and 34-35. In that context, this rejection is also respectfully traversed.

The Examiner takes the position that all the limitations in each of the rejected claims is identically disclosed in the Mobin application. As evident from the following discussion, this view is not correct with respect to claims 9-10, 37 and 29-30 and 34-35.

For simplicity, the Applicants will specifically discuss this rejection in the context of independent claim 9.

Specifically, the Mobin application discloses a remote information delivery system in which various remote devices (12, 14, 16) can be connected to a host (50). Each of those devices, typically a PC, can establish a dial-up connection with the host. If a remote device is off-line and the host has information for that device, the host sends a signal, through a communication system (30) without incurring a corresponding communication charge, to that device so as to cause that device to establish, in an unattended mode, a dial-up (or other) connection to the host device and then download the information from the host. Once the information is downloaded, the remote device terminates its dial-up connection to the host. The

signal may be sent by caller ID or other similar conventional technique, such as a predetermined ring signal (one ring followed by hang-up). Each remote device has a suitable decoder (18, 20, 22) that detects the signal sent by the host. The advantage noted in the Mobin application is that, while the signaling sufficient to bring the remote device on-line is used, no cost is incurred to do so, e.g., through a non-chargeable telephone call. See, e.g., page 5, last paragraph; page 6, second paragraph; and page 9, first full paragraph of the Mobin application. Also, the signal may be coded such that the remote device can discriminate among several different hosts and contact a correct host then having information for the remote device. See, page 10, second full paragraph. Furthermore, this signaling can occur over other communication modalities than the PSTN, such as cable television, cellular telephone networks, and paging networks.

Claim 9 recites, as indicated below in a bolded typeface, the Applicants' inventive and distinguishing concept of activating a local activation module based on the value of an identifier that specifies a node through which a server connected to a first network.

"A method for activating a local terminal connectable to a first network wherein a second network passes on to an activation module an identifier of a node via which a server connects to the second network, the method further comprising the steps, performed by the activation module, of:

recording the identifier so as to
define a recorded identifier;
activating the terminal in accordance
with a value of the recorded identifier."
[emphasis added]

Similar distinguishing recitations appear in independent
claim 37.

While the signals used by Mobin application can
be coded, as discussed in page 10, second complete
paragraph, the code serves two purposes. First and as
noted above, it can permit a remote device to discriminate
among multiple hosts so as to communicate with a particular
host that has information for that remote device. Second,
the code can notify the remote device, without incurring a
cost for transport over communication system 30, that the
host then has information waiting for that device.

Nowhere does the Mobin application contain any
disclosure, whether explicit or implicit, that teaches the
concept of communicating an identifier as the Applicants
teach and as recited in claims 9 and 37.

Therefore, the Applicants submit that neither
claim 9 nor 37 is anticipated by the teachings in the Mobin
application. Hence, both of these claims are patentable
under 35 USC § 102(b) over this reference.

Claim 10 depends from independent claim 9, and
claims 29-30 and 34-35 each depend from independent

claim 37. Each of these dependent claims recites further distinguishing features of the present invention over that recited in its corresponding independent claim.

Accordingly, the Applicants submit that each of dependent claims 29-30 and 34-35 is also not anticipated by the teachings of the Mobin application and is patentable over that application for the same reason set forth above. #

B. Rejections under 35 USC § 103

1. Claims 6 and 8

The Examiner has rejected claims 6 and 8 under the provisions of 35 USC § 103 as being obvious over the teachings of the Gordon '837 patent taken in view of the Smith et al '973 patent (United States patent 6,333,973 issued to C. D. Smith et al on December 25, 2001). This rejection too is respectfully traversed.

The Examiner is correct in noting that the Smith et al '973 patent discloses an integrated message center that utilizes SMS messages as notification (e.g., notification of a waiting message) or actual messages. As indicated in col. 1, line 18 et seq; col. 2, line 26 et seq; and col. 3, line 50 et seq of this patent, that center is a logical entity that resides in a mobile telephone for consolidating message of different types for viewing and manipulation by a user.

The Examiner opines that it would have been obvious to one of ordinary skill in the art, at the time the present invention was made, to modify "Gordon's system to provide the following: the message/message waiting is an SMS message as this arrangement would enable the user to obtain messages of different kind, as taught by Smith, thus enabling the user to obtain different message types."

Even if the teachings of the Smith et al '973 patent were incorporated into the system taught by the Gordon '837 patent, the resulting system would still fail to expressly teach or even suggest the present invention.

Specifically, even if the notification messages or actual messages used in the system taught by the Gordon '837 patent were replaced by SMS messages, as the Examiner proposes based on the teachings in the Smith et al '973 patent, the resulting combined teachings would still yield a system that relies on broadcasting identifying signals to remote receivers associated with off-line terminals.

Furthermore, claim 6 depends from and includes the features recited in claims 1, 3, 4 and 5. Claim 8 includes the limitations of claims 1 and 3.

In that regard, the Gordon '837 patent contains absolutely no teachings, as recited in claim 3, of the activation code itself containing a message that is sent by a server to a local terminal. The instructing signals

9 | taught by the Gordon '837 patent which are broadcast do not contain messages, but rather an identifying code, and one which identifies a particular receiver. To accomplish what the Applicants' inventive system achieves through use of one unicast message, i.e. communicating a short information message to an off-line local terminal by virtue of carrying that message as constituting or carried within an activating code, the system taught by the Gordon '837 patent would require considerably more messages: first, a broadcast instructing message aimed at a particular terminal; then, appropriate communication between that terminal and the server to establish a communication session; and, finally, an exchange of information between the two to transport a desired information message from one to the other. The Applicants' particular feature of an activation code itself comprising a message is recited in claim 3 and, therefore by virtue of dependency therefrom, included within each of claims 6 and 8.

One of ordinary skill in the art, when faced with the rather express teachings in the Gordon '837 patent, would simply be directed to use the messaging scheme taught by this patent and thus be lead in an entirely opposite direction from the Applicants' inventive approach that relies on unicast, rather than broadcast, of a single message, i.e. an authentication code to contain a desired short information message, in communicating between a server and, via an activating device, an off-line terminal.

Hence, the Applicants submit that neither claim 6 nor claim 8 is rendered obvious by the teachings in the Gordon '837 patent taken singly or in any combination, including that posed by the Examiner, with those in the Smith et al '973 patent.

2. Claim 31

The Examiner has rejected claim 31 under the provisions of 35 USC § 103 as being obvious over the teachings of the Mobin application patent taken in view of the Smith et al '973 patent. This rejection too is respectfully traversed.

The Examiner again points to the Smith et al '973 patent for its teachings of an integrated message center that utilizes an SMS message.

Given this, the Examiner takes the position that it would have been obvious to one of ordinary skill in the art, at the time the present invention was made, to provide the following: "the message is an SMS message as this arrangement would enable the user to obtain messages of different kind as taught by Smith, thus enabling the user to obtain different message types of message."

Dependent claim 31 depends from both independent claim 37 and dependent claim 29, hence incorporating the features recited in both of those claims.

Claim 37 recites the inventive concept of activating a local activation module based on the value of an identifier that specifies a node through which a server is connected to a first network. Claim 29 adds the feature that the activation code comprises a message and that the module passes that message to the local terminal. Finally, claim 31 specifically recites that the message is an SMS message.

Nowhere does the Mobin application disclose or even suggest, however slight, this combination of features. In that regard, as discussed above, the Mobin application, constrains the use of a code either as a notification message or to allow a remote device to discriminate amongst multiple hosts. Thus, one of ordinary skill in the art when faced with the teachings in the Mobin application, even if SMS messaging as taught by the Smith et al '973 patent were used, would not think to incorporate a node identifier within the activation code and then activate a local terminal based on that code -- as the Applicants teach and as incorporated within claim 31. M

Hence, the Applicants submit that claim 31 is not rendered obvious by the teachings in the Mobin application taken singly or in any combination, including that posed by the Examiner, with those in the Smith et al '973 patent.

3. Claims 32-33

The Examiner has rejected claims 32-33 under the provisions of 35 USC § 103 as being obvious over the teachings of the Mobin application patent taken in view of the Randall et al application (PCT published patent application WO 91/13510 published on September 5, 1991). This rejection is also respectfully traversed.

The Examiner states that the Mobin application does not teach "means for detecting terminal status code, relating the status of the terminal and passing on of that status code via the network to the server, status code indicates whether the terminal is active or inactive." Given this, the Examiner turns to the Randall et al application which he believes contains those teachings.

Hence, the Examiner concludes that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the system taught in the Mobin application with the teachings in the Randall et al application so as to facilitate message reception efficiency from the server and thus arrive at the invention recited in claims 32-33.

Claim 32 depends from independent claim 37, and claim 33 depends from claim 32.

As discussed above, independent claim 37 recites the inventive concept of activating a local activation module based on the value of an identifier that specifies a node through which a server is connected to a first network. Claim 32 adds the feature that the module detects a terminal-status code and passes on the status code, via the network, to the server. Finally, claim 33 specifically recites that the status code indicates whether the terminal is active or inactive.

Here too, nowhere does the Mobin application disclose or even suggest, however slight, this combination of features. In that regard and as discussed above, the Mobin application, constrains the use of a code as either a notification message or to allow a remote device to discriminate amongst multiple hosts. Thus, one of ordinary skill in the art when faced with the teachings in the Mobin application, even if the notification were to indicate terminal status information as taught by the Randall et al application, would not think to incorporate a node identifier within the activation code and then activating a local terminal based on that code -- as the Applicants teach and as incorporated within both claims 32 and 33.

Hence, the Applicants submit that neither claim 32 nor claim 33 is rendered obvious by the teachings in the Mobin application taken singly or in any combination, including that posed by the Examiner, with those in the Randall et al application.

Appl. No. 10/069,608
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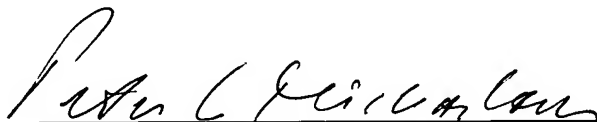
Conclusion

Thus, the Applicants submit that none of the claims, presently in the application, is anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103.

Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

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